

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

MOTOROLA, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
LEMKO CORPORATION, XIAOHONG	)	
SHENG, SHAOWEI PAN, HANJUAN JIN,	)	
XIAOHUA WU, XUEFENG BAI,	)	
NICHOLAS LABUN, BOHDAN PYSKIR,	)	
HECHUN CAI, JINZHONG ZHANG,	)	
ANGEL FAVILA, ANKUR SAXENA,	)	Case No. 08 CV 5427
RAYMOND HOWELL, FAYE VORICK,	)	
and NICHOLAS DESAI,	)	
	)	
	)	
	)	
Defendants.	)	Judge Matthew F. Kennelly
	)	
* * * * *	)	Magistrate Judge Geraldine Soat Brown
LEMKO CORPORATION, SHAOWEI PAN,	)	
XIAOHUA WU and XIAOHONG SHENG,	)	
	)	
Counter-Plaintiffs,	)	
	)	
v.	)	
MOTOROLA, INC.,	)	
	)	
Counter-Defendant.	)	

**MOTOROLA INC.’S MOTION TO SEEK LEAVE TO AMEND ITS LOCAL RULE  
56.1(b)(3) RESPONSE TO DEFENDANTS LEMKO CORPORATION’S, SHAOWEI  
PAN’S, AND NICHOLAS LABUN’S STATEMENT OF UNDISPUTED FACTS  
IN SUPPORT OF THEIR MOTION FOR SUMMARY JUDGMENT ON  
MOTOROLA’S DECLARATORY JUDGMENT CLAIM FOR PATENT OWNERSHIP**

Plaintiff Motorola, Inc. (n/k/a Motorola Solutions, Inc., and hereafter referred to as “Motorola”), by and through its attorneys, hereby respectfully requests that the Court enter an order to permit Motorola to amend its Local Rule 56.1(b)(3) Response To Defendants Lemko

Corporation's, Shaowei Pan's, And Nicholas Labun's Statement Of Undisputed Facts In Support Of Their Motion For Summary Judgment On Motorola's Declaratory Judgment Claim For Patent Ownership, and Exhibit 4 attached thereto. In support of its motion, Motorola states as follows:

1. On August 15, 2011, Defendants Lemko Corporation ("Lemko"), Shaowei Pan ("Pan"), and Nicholas Labun ("Labun") filed a Motion For Summary Judgment On Motorola's Declaratory Judgment Claim For Patent Ownership.
2. On September 7, 2011, Motorola filed its Response to Defendants' Motion For Summary Judgment On Motorola's Declaratory Judgment Claim For Patent Ownership, including a Response to Defendants' Statement Of Undisputed Facts and Additional Statements of Undisputed Facts Pursuant to Local Rule 56.1(b)(3)(C).
3. On September 15, 2011, Motorola realized that it inadvertently had included an incorrect citation in Paragraph 18 of Motorola's Additional Statements of Undisputed Facts and had attached the incorrect document as Exhibit 4 to that filing.
4. Motorola seeks leave to file a corrected Response to Defendants' Statement of Undisputed Facts and Additional Statements of Undisputed Facts to correct the citation error and to attach the correct Exhibit 4.
5. This Motion is made in good faith and not for purposes of delay.

WHEREFORE, Plaintiff Motorola respectfully requests that this Court enter an order to permit Motorola to amend its Local Rule 56.1(B)(3) Response To Defendants Lemko's, Pan's and Labun's Statement Of Undisputed Facts In Support Of Their Motion For Summary Judgment On Motorola's Declaratory Judgment Claim For Patent Ownership.

Date: September 15, 2011

Respectfully submitted,

By: /s/ Maureen L. Rurka

R. Mark Halligan  
Deanna R. Swits  
Jason T. Kunze  
NIXON PEABODY LLP  
300 South Riverside Plaza, 16<sup>th</sup> Floor  
Chicago, Illinois 60606  
T: (312) 425-3900  
F: (312) 425-3909

Dan K. Webb  
Lawrence R. Desideri  
Maureen L. Rurka  
J. Ethan McComb  
Joanna R. Travalini  
WINSTON & STRAWN LLP  
35 West Wacker Drive  
Chicago, Illinois 60601  
T: (312) 558-5600  
F: (312) 558-5700

*Attorneys for Plaintiff Motorola, Inc.*

**CERTIFICATE OF SERVICE**

The undersigned certifies that **MOTOROLA INC.'S MOTION TO SEEK LEAVE TO AMEND ITS LOCAL RULE 56.1(b)(3) RESPONSE TO DEFENDANTS LEMKO CORPORATION'S, SHAOWEI PAN'S, AND NICHOLAS LABUN'S STATEMENT OF UNDISPUTED FACTS IN SUPPORT OF THEIR MOTION FOR SUMMARY JUDGMENT ON MOTOROLA'S DECLARATORY JUDGMENT CLAIM FOR PATENT OWNERSHIP** was filed electronically in compliance with the General Order on Electronic Case Filing, Section III(B)(1). As such, these documents were served on all counsel who are deemed to have consented to electronic service. Fed. R. Civ. P. 5(b)(2)(D) and Local Rule 5.9.

Date: September 15, 2011

/s/ Maureen L. Rurka

*Attorney for Plaintiff Motorola, Inc.*